

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

ADRIAN DESHUN DELK,)	
)	
Plaintiff,)	
)	
VS.)	No. 16-1275-JDT-cgc
)	
HARDEMAN COUNTY)	
CORRECTIONAL FACILITY, ET AL.,)	
)	
Defendants.)	

ORDER TO ISSUE THIRD-PARTY SUBPOENA

Plaintiff Adrian Deshun Delk, who is currently incarcerated at the Trousdale Turner Correctional Center in Hartsville, Tennessee, filed a complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1.) The complaint concerns his prior incarceration at the Hardeman County Correctional Facility (HCCF) in Whiteville, Tennessee, which is managed by CoreCivic. On October 11, 2019, the Court dismissed portions of the complaint and directed the Clerk to issue process for six Defendants: Dr. Bernhard Dietz, Kent Joy, Latoya Loudon, Tomicka McKinnie, Columbus Molone and Danita Woods. (ECF No. 35.) However, the summonses issued for Defendants Dietz, Loudon, McKinnie and Woods were returned unexecuted by the U.S. Marshal. (ECF No. 38.)

The process returned for Defendant McKinnie indicates that she cannot be served at the HCCF because she currently is on leave. (ECF No. 38-1 at PageID 985-87.) The

returns for Dietz, Louden and Woods each state they are not employed at the HCCF. (ECF No. 38 at PageID 982-84; ECF No. 38-2 at PageID 988-90; ECF No. 38-3 at PageID 991-93.) Because Plaintiff is incarcerated, he cannot reasonably be expected to provide further information regarding these four Defendants. It is therefore the responsibility of the Court to ensure that process is served, if possible. *See Byrd v. Stone*, 94 F.3d 217, 219 (6th Cir. 1996.)

The Clerk is DIRECTED to issue a third-party subpoena for CoreCivic and deliver it to the Marshal for service, along with a copy of this order. The subpoena shall direct CoreCivic, 10 Burton Hills Blvd., Nashville, TN 37215, to provide to the Court, within thirty (30) days after service of the subpoena:

(1) The home address and telephone number of Defendant Tomicka McKinnie, who is employed at the HCCF but on leave; and

(2) Either the current places of employment or the last known home addresses and telephone numbers of Defendants Dr. Bernhard Dietz, Latoya Louden and Danita Woods, each of whom were formerly employed at the HCCF.

Due to security and privacy concerns, any information regarding home addresses and telephone numbers provided by CoreCivic in compliance with the subpoena shall not be made available to Plaintiff, but shall be filed by the Clerk *ex parte* and under seal. If CoreCivic provides sufficient information regarding the Defendants' locations, the Clerk shall re-issue process and deliver it to the Marshal for service.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE